

Calendar No. 494

106TH CONGRESS
2D SESSION**S. 1797****[Report No. 106-264]**

To amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, Alaska, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 1999

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

APRIL 12, 2000

Reported by Mr. MURKOWSKI, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, Alaska, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 ~~FINDINGS.—Congress finds and declares that:~~

4 ~~The Alaska Statehood Act of 1959 (see: 6(a))~~

5 ~~granted 400,000 acres of national forest land to the~~

1 State of Alaska for the purpose of furthering devel-
2 opment of and expansion of communities. In 1969,
3 the State of Alaska selected 17,040 acres of this
4 Federal land grant at the City of Craig's request,
5 but this and other selections were not approved by
6 the U.S. Forest Service.

7 On December 18, 1971, the Alaska Native
8 Claims Settlement Act (ANCSA) was enacted to set-
9 tle outstanding Native aboriginal claims to lands in
10 the State of Alaska. The settlement included the di-
11 rection to convey certain lands to Alaska Native vil-
12 lage corporations located in Southeast Alaska. These
13 conveyances included all of the public land selected
14 around the City of Craig by the State of Alaska in
15 1969.

16 Pursuant to ANCSA, the Federal Government
17 conveyed 3,960 acres of public land within the City
18 of Craig, and all public land surrounding the com-
19 munity, to two Native village corporations. These
20 adjoining conveyances occupy 93 percent of the
21 4,258 acres within Craig's city limits. Outside of the
22 existing 200-acre Craig townsite, no other land with-
23 in 10 miles of the Craig city limits has been avail-
24 able for selection under the Alaska Statehood Act of
25 1959.

1 In the Alaska National Interest Lands Con-
2 servation Act (ANILCA), Congress exempted Native
3 corporations from municipal taxation of their under-
4 developed land, and added a tax recapture provision
5 (43 U.S.C.A. sec. 1636(d)(5)) which acts as a fur-
6 ther disincentive to development of Native village
7 corporation land.

8 Under the Alaska State law, incorporated mu-
9 nicipalities are entitled to a share of available State
10 land within their corporate limits. However, the pas-
11 sage of ANCSA and a set of circumstances experi-
12 enced by no other municipality in Alaska, which in-
13 cludes Federal land conveyances to two adjoining
14 Native village corporations, has prevented the City
15 of Craig from acquiring a State land entitlement.

16 Since 1971, the City of Craig has grown from
17 a population of 250 people to nearly 2,500 people
18 and its demographics has changed making it dif-
19 ficult for Craig to qualify for many programs en-
20 acted by Congress to provide assistance to villages
21 with a majority of Alaska Native populations.

22 Tax provisions of Federal law and Federal land
23 conveyances have had the unintended effect of pre-
24 venting the City of Craig from exercising its govern-
25 mental powers to tax 93 percent of the land within

1 the municipality, and to receive any of the Federal
 2 land grant promised at Alaska statehood for commu-
 3 nity expansion and development.

4 **SECTION 1. SHORT TITLE.**

5 This Act may be cited as the “Craig Municipal Eq-
 6 uity Act of 1999”.

7 **SEC. 2. AUTHORIZATION TO CONVEY LANDS.**

8 (a) GENERAL.—The Secretary of Agriculture shall,
 9 subject to valid existing rights, convey to the City of Craig
 10 all Federal interests in lands identified in subsection (b).

11 (b) LEGAL DESCRIPTION.—Control Lake/Big Salt
 12 Lake Road Corridor:

13 All Federal land in the following described pro-
 14 tracted and partially surveyed townships in the Cop-
 15 per River Meridian, Alaska:

16 COPPER RIVER MERIDIAN, ALASKA

17 T. 71 S., R. 81 E.

18 Section 24, E $\frac{1}{2}$;

19 Section 25, E $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;

20 Section 36.

21 Containing 1360 acres, more or less.

22 T. 71 S., R. 82 E.

23 Section 19, S $\frac{1}{2}$ SW $\frac{1}{4}$;

24 Section 29, W $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;

25 Section 30, All;

26 Section 31, All.

1 Containing 1500 acres, more or less.

2 T. 72 S., R. 82 E.

3 Section 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$, SW $\frac{1}{4}$;

4 Section 6, All;

5 Section 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

6 Section 8, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

7 Section 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,

8 NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

9 Section 20, NE $\frac{1}{4}$.

10 Containing 1672 acres, more or less.

11 Aggregating 4532 acres, more or less.

12 (c) TIMING OF CONVEYANCE AND PROVIDING FOR

13 THE ESTABLISHMENT OF AN ESCROW ACCOUNT.—The

14 Secretary of Agriculture shall convey the land mandated

15 by subsection (a) within ninety (90) days after the date

16 of enactment of this Act. The Secretary shall establish an

17 escrow account to hold any and all proceeds derived on

18 or after the date of enactment of this Act from contracts,

19 leases, permits, rights-of-way or easements pertaining to

20 the land to be conveyed, and provide for disbursement of

21 those funds, plus interest, to the City of Craig when the

22 land is conveyed.

23 (d) TIMBER, MANUFACTURING, EXPORT RESTRIC-

24 TION.—Notwithstanding any other provisions of law, tim-

25 ber harvested from land conveyed to the City of Craig

1 under this section shall not be exported as unprocessed
 2 logs from Alaska, nor may the City of Craig sell, trade,
 3 exchange, substitute, or otherwise convey that timber to
 4 any person for the purpose of exporting that timber from
 5 the State of Alaska.

6 (c) ~~RELATION TO OTHER REQUIREMENTS.~~—Not-
 7 withstanding any other provisions of law, the land con-
 8 veyed to the City of Craig under this section shall be con-
 9 sidered in lieu of land not conveyed at statehood for the
 10 purpose of furthering development of and expansion of the
 11 City of Craig. This grant is not subject to the provisions
 12 of the Alaska Statehood Act, nor does it limit or restrict
 13 the State of Alaska's land entitlement under that Act.

14 (f) ~~MAPS.~~—The maps referred to in this section shall
 15 be maintained on file in the Office of the Chief, United
 16 States Forest Service, and in the Office of the Secretary
 17 of the Interior, Washington, DC. The acreage cited in this
 18 section is approximate, and if there is any discrepancy be-
 19 tween cited acreage and the land depicted on the specified
 20 maps, the maps shall control. The maps do not constitute
 21 an attempt by the United States to convey State of Alaska
 22 or private land.

23 **SECTION 1. LAND EXCHANGE WITH CITY OF CRAIG, ALASKA.**

24 (a) *At such time as Congress appropriates funds suffi-*
 25 *cient for the Secretary of Agriculture to acquire non-Federal*

1 *lands within conservation system units on the Tongass Na-*
 2 *tional Forest, the Secretary shall convey to the City of*
 3 *Craig, Alaska, all Federal interests in the lands identified*
 4 *in subsection (b): Provided, That the lands conveyed to the*
 5 *City of Craig shall be of equal value to the lands acquired*
 6 *by the Secretary of Agriculture pursuant to this subsection.*

7 *(b) The approximately 4,532 acres of Federal lands to*
 8 *be conveyed to the City of Craig are described as follows:*

9 *(1) All Federal land in the following described*
 10 *protracted and partially surveyed townships in the*
 11 *Copper River Meridian, Alaska:*

12 *(A) Within T. 71 S., R. 81 E—*

13 *Section 24, E^{1/2};*

14 *Section 25, E^{1/2}, S^{1/2}SW^{1/4};*

15 *Section 36.*

16 *Containing 1360 acres, more or less.*

17 *(B) Within T. 71 S., R. 82 E—*

18 *Section 19, S^{1/2}SW^{1/4};*

19 *Section 29, W^{1/4}NW^{1/4}, N^{1/2}SW^{1/4};*

20 *Section 30, All;*

21 *Section 31, All.*

22 *Containing 1500 acres, more or less;*

23 *and*

24 *(C) Within T. 72 S., R. 82 E—*

25 *Section 5, SW^{1/4}NW^{1/4}, W^{1/2}, SW^{1/4};*

- 1 *Section 6, All;*
- 2 *Section 7, $NE^{1/4}NE^{1/4}$;*
- 3 *Section 8, $W^{1/2}$, $SW^{1/4}SE^{1/4}$;*
- 4 *Section 17, $NW^{1/4}NW^{1/4}$, $E^{1/2}NW^{1/4}$,*
- 5 *$NE^{1/4}SW^{1/4}$, $W^{1/2}NE^{1/4}$, $NW^{1/4}SE^{1/4}$,*
- 6 *$S^{1/2}SE^{1/4}$;*
- 7 *Section 20, $NE^{1/4}$.*
- 8 *Containing 1672 acres, more or less.*

Amend the title so as to read: “A bill to provide for a land conveyance to the City of Craig, Alaska, and for other purposes.”.

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